Notice of Allowability	Application No.	Applicant(s)	
	09/617,174	SAGER ET AL.	
	Examiner	Art Unit	
	Stephen L. Rawlings, Ph.D.	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *10 December 2003*.

2. ☒ The allowed claim(s) is/are *1 and 3-12*.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *20040416* .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anita L. Meiklejohn, Ph.D. on March 22, 2004.

The application has been amended as follows:

Amendments to the Specification:

The paragraph beginning at page 2, line 32, has been replaced with the following amended paragraph:

In designing expression constructs it is not necessary to include the entire *maspin* regulatory region described herein (nucleotide -956 to nucleotide -1 of FIG. 3; nucleotides 1-957 of SEQ ID NO:1). The Ets recognition element having the sequence CTTCCT and located at nucleotides -111 to -105 (FIG. 3) is a significant sequence element, which is preferably included in the reporter construct. In various preferred embodiments the reporter construct includes this Ets element and the 10, 20, 30, 40, 50, 60, or 100 nucleotides located 3' thereof. In other preferred embodiments the construct includes this Ets element and the 10, 20, 30, 40, 50, 60, or 100 nucleotides located 5' thereof. In still other preferred embodiments the reporter construct includes this Ets element and 10, 20, 30, 40, 50, 60, or 100 nucleotides located 5' and 3' thereof. In other preferred embodiments, the construct includes the AP2, AP1, Ets, and HRE elements shown in FIG. 3. Thus, in a preferred embodiment, the construct includes the sequence from nucleotide -44 to nucleotide -514 as shown in FIG. 3.

The paragraph beginning at page 4, line 20, has been replaced with the following amended paragraph:

In one aspect, the invention features an isolated nucleic acid molecule which includes the nucleotide sequence set forth in Fig. 3 from nucleotide -506 to nucleotide –44 (nucleotides 451-914 of SEQ ID NO:1), inclusive (e.g, the nucleotide sequence set forth in Fig. 3 from nucleotide -506 to nucleotide –1 (nucleotides 450-957 of SEQ ID NO:1), inclusive; the nucleotide sequence set forth in Fig. 3 from nucleotide -956 to nucleotide –1 (nucleotides 1-957 of SEQ ID NO:1), inclusive; or the nucleotide sequence set forth in Fig. 3 from nucleotide -956 to nucleotide +184, inclusive; nucleotides 1-1141 of SEQ ID NO:1).

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Original) An isolated nucleic acid molecule comprising the nucleotide sequence of nucleotides 451-914 of SEQ ID NO:1.

2. (Canceled).

3. (Currently Amended) The isolated nucleic acid molecule of claim 1, comprising the nucleotide sequence of nucleotides [914-957] 451-957 of SEQ ID NO:1.

4. (Original) The isolated nucleic acid molecule of claim 1, comprising the nucleotide sequence of nucleotides 1-1141 of SEQ ID NO:1.

5. (Previously presented) A nucleic acid vector comprising the isolated nucleic acid molecule of any of claims 1, 3 and 4.

6. (Previously presented) The vector of claim 5 further comprising a reporter gene operably linked to the isolated nucleic acid molecule.

7. (Original) The vector of claim 6, wherein the reporter gene is selected from the group consisting of β lactamase, chloramphenicol acetyltransferase (CAT), adenosine deaminase (ADA), aminoglycoside phosphotransferase (neor, G418r), dihydrofolate reductase (DHFR), hygromycin B phosphotransferase (HPH), thymidine kinase (TK), lacZ (encoding β galactosidase), and xanthine guanine phosphoribosyltransferase (XGPRT).

8. (Original) The vector of claim 7, wherein the vector is a plasmid.

9. (Original) The vector of claim 7, wherein the vector is a virus.

10. (Original) The vector of claim 9, wherein the virus is a retrovirus.

11. (Previously presented) An isolated host cell comprising the vector of claim 5.

12. (Previously presented) An isolated host cell comprising the vector of claim 6.

13-18. (Canceled).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler, Ph.D. can be reached on (571) 272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.
Examiner
Art Unit 1642

slr
March 22, 2004

YVONNE EYLER, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

The paragraph beginning at page 4, line 20, has been replaced with the following amended paragraph:

In one aspect, the invention features an isolated nucleic acid molecule which includes the nucleotide sequence set forth in Fig. 3 from nucleotide -506 to nucleotide –44 (nucleotides 451-914 of SEQ ID NO:1), inclusive (e.g, the nucleotide sequence set forth in Fig. 3 from nucleotide -506 to nucleotide –1 (nucleotides 450-957 of SEQ ID NO:1), inclusive; the nucleotide sequence set forth in Fig. 3 from nucleotide -956 to nucleotide –1 (nucleotides 1-957 of SEQ ID NO:1), inclusive; or the nucleotide sequence set forth in Fig. 3 from nucleotide -956 to nucleotide +184, inclusive; nucleotides 1-1141 of SEQ ID NO:1).

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Original) An isolated nucleic acid molecule comprising the nucleotide sequence of nucleotides 451-914 of SEQ ID NO:1.

2. (Canceled).

2 3. (Currently Amended) The isolated nucleic acid molecule of claim 1, comprising the nucleotide sequence of nucleotides [914-957] 451-957 of SEQ ID NO:1.

3 4. (Original) The isolated nucleic acid molecule of claim 1, comprising the nucleotide sequence of nucleotides 1-1141 of SEQ ID NO:1.

4 5. (Previously presented) A nucleic acid vector comprising the isolated nucleic acid molecule of any of claims 1, 2 3 and 3 4.

5 6. (Previously presented) The vector of claim 4 5 further comprising a reporter gene operably linked to the isolated nucleic acid molecule.

6 7. (Original) The vector of claim 5 6, wherein the reporter gene is selected from the group consisting of β lactamase, chloramphenicol acetyltransferase (CAT), adenosine deaminase (ADA), aminoglycoside phosphotransferase (neor, G418r), dihydrofolate reductase (DHFR), hygromycin B phosphotransferase (HPH), thymidine kinase (TK), lacZ (encoding β galactosidase), and xanthine guanine phosphoribosyltransferase (XGPRT).

7 8. (Original) The vector of claim 6 7, wherein the vector is a plasmid.

8 9. (Original) The vector of claim 6 7, wherein the vector is a virus.

9 10. (Original) The vector of claim 8 9, wherein the virus is a retrovirus.

10 11. (Previously presented) An isolated host cell comprising the vector of claim 4 5.

11 12. (Previously presented) An isolated host cell comprising the vector of claim 5 6.

13-18. (Canceled).

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